

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 18341 of 2004

Between:

1. The Government of Andhra Pradesh, rep. by its Secretary, Social Welfare Dept., Secretariat, Hyderabad.
2. The Commissioner and Director, Social Welfare Dept., Telugu Samkshema Bhavan, Masab Tank, Hyderabad.
3. Dy. Director (Social Welfare), Adilabad, Adilabad District.

..... PETITIONERS

AND

V. Raj Kumar, S/o. Ramachandra Rao, Junior Assistant,
O/o. Deputy Director of Social Welfare, Adilabad, Adilabad District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Certiorari calling for the records relating to the orders of the Hon'ble A.P. Administrative Tribunal passed in O.A.No.8134/97, Dt.19.9.2003 and set aside the same as being illegal and erroneous.

Counsel for the Petitioner: GP FOR SERVICES II

Counsel for the Respondent: MR P.V.SUBRAHMANYA SARMA

The Court made the following :

ORDER:(Per Hon'ble Sri Justice G.Bikshapathy)

This writ petition is filed challenging the order passed by the A.P. Administrative Tribunal in O.A.No.8134 of 1997 dated 19.9.2003.

2 . The respondent filed O.A.8134 of 1997 challenging the order passed by the Commissioner and Director of Social Welfare, Hyderabad dated 13.8.1997 and consequential orders dated 15.9.1997. The respondent was originally appointed as Typist in B.C. Corporation on 23.7.1979 and subsequently at his request, he was absorbed as Typist in Social Welfare Department in 1987. He joined in the said Department on 09.12.1987. Thereafter his services were regularized on 14.06.1989 and his probation was also declared on 30.7.1993. He made representation to the Government to count the period of service put in by him in B.C. Corporation for the purpose of seniority by relaxing the relevant Rules. His representation was sent to the Government. However, the Government rejected the same on the ground that there is no provision for such conversion and the Collector abreast passed order that very absorption in the Government Department from B.C. Corporation is contrary to law. So far, he issued the impugned orders cancelling the absorption. The said orders came to be challenged by the respondent in O.A.No.8134 of 1997. The Tribunal observed that the absorption took place in 1987 and it will not be proper to unsettle the settled things. Thus, allowed the O.A.8134 of 1997 filed by the respondent by an order against which the present writ petition has been filed.

3. The learned Government Pleader submits that the very absorption is illegal and contrary to law and that the order passed cannot be suffered from any illegality. The Tribunal ought to have dismissed the application filed by the respondent herein.

4. We have heard the learned counsel for the respondent also. It is not in dispute that originally he was appointed as Typist in B.C. Corporation. Subsequently, he was absorbed in the Social Welfare Department in 1987, but however, the Department did not identify the irregularity, but identified only when an application was made by the employee for counting his service in the B.C. Corporation for the purpose of promotion in the Social Welfare Department, but the Tribunal rejected the same on the ground that the settled things cannot be unsettled at later point of time and thus set aside the impugned orders.

5. We have considered the contention of the learned counsel and learned Government Pleader and I do not find any flaw in the order of the A.P. Administrative Tribunal inasmuch as the absorption took place as early as in 1987. It will not be appropriate to disturb the absorption after a long lapse of time. Thus, we do not find any illegality or irregularity in the impugned order.

6. This writ petition is accordingly, dismissed. No costs.

(G.BIKSHAPATHY,J)

(P.S.NARAYANA,J)

Date: 22nd November 2004

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Govt. of A.P., Social Welfare Department, Secretariat,
Hyderabad.
2. The Commissioner and Director, Social Welfare Department, Telugu
Samkshema Bhavan, Masab Tank, Hyderabad.
3. The Dy. Director (Social Welfare), Adilabad, Adilabad Dist.
4. The Chairman, A.P. Administrative Tribunal, Hyderabad.
5. Two CD copies.
6. Two CCs to G.P for Services-II, High Court of A.P.,; Hyderabad (OUT).